

REMARKS

The objections raised to the drawings, in PTO form-948 accompanying the official action, are acknowledged by the Applicant. In view of the cancellation of claim 21, the above amendments and discussion pertaining thereto below, new formal drawings are not believed necessary. Specifically, with respect to the Applicant's feature of "...an end face of the planetary gearing pin (38) abuts against inner bearings of planetary carrier bearing (30, 32)..." in claim 16, the Applicant believes that this is a minor translation issue. The German word "Grenzen" originally translated as "axially abuts", is more properly translated as "axially limited". In view thereof, the Applicant has amended claim 16 to recite ".....an end face of the planetary bearing pin (38) is axially limited between opposing inner bearing rings.....". This feature is now believed to specifically comport with Fig. 1 of the present invention as filed.

If any further amendment to the drawings, claims or specification is believed necessary in order to place this case in condition for allowance, the Examiner is courteously solicited to contact the undersigned representative to discuss the same.

Claims 12-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections.

Claims 12-14 and 22 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Friedrich '550. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Initially, and by way of explanation the receiving area C in Friedrich '550 does not directly receive the output shaft of the motor. It is directly receiving clutch members of a clutch that is located between the motor shaft 26 and the sun gear shaft. Contrary to the Friedrich '550 reference, as seen from the Applicant's figure and as recited in claim 12, the receiving section is designed to directly receive the shaft of the electromotor.

As the Examiner is aware, in order to properly support an anticipation rejection under 35 U.S.C. § 102(b), the cited reference must disclose each and every limitation of the presently claimed invention. As discussed in the background of the present invention at paragraph 6, the significant power loss and high temperatures in the known planetary gears is attributable to the seals and bearings of the rapidly rotating sun gear shaft. As described in the object and summary of the present invention, specifically at paragraphs 9-11, is the Applicant's intention to minimize this power loss and heat generated by the known planetary gears by a novel arrangement and alignment of the seals and bearings for the sun gear shaft. Most importantly in the present invention as seen in Fig. 1, the seals 22 and bearings 28 are provided outside, i.e. axially spaced from the receiving area 18 for the output shaft of an electromotor. Additionally, the bearing 28 and the seal 22 respectively support and seal the sun gear shaft along reduced diameter portions of the sun gear shaft compared with the diameter of the receiving area of the sun gear shaft. Thus, the smaller seals and bearings provide considerable less heat generation and power loss than known designs between the rapidly rotating sun gear sealing element and bearings.

Observing the Figure of the Friedrich '550 patent, the Applicant points out that both the bearing 14 and the seal 16 are axially adjacent, not axially spaced from, the receiving area of the sun gear shaft 26 in the applied reference. Additionally, both the seal 16 and the bearing 14 respectively seal and support the sun gear shaft at a larger diameter portion of the sun gear than the receiving area not a smaller diameter as recited in claim 9.

Therefore, the Applicant believes that at least the presently claimed feature of ".....a sealing element (22) being provided between the sun gear shaft (4) and the housing (2), wherein the sealing element (22) is axially spaced from the receiving area (16) for the output shaft of the electromotor...." is not shown, disclosed or taught in any manner by the cited reference and, therefore, the Applicant respectfully requests withdrawal of the anticipation rejection.

As claims 14-30 and 22 depend either directly or indirectly on claim 12 which is now believed to be allowable in view of the above remarks and amendments, the Applicant believes these claims to be allowable as well.

Compared to the motor shaft diameter which corresponds to the receiving section bore diameter in the present invention (not in the gear shown in Friedrich '550) the diameters of the sealing 16 and the bearing 14 are bigger, not smaller.

The Applicant draws the Examiner's attention to the recently discovered document Friedrich 196 47 063, cited in the parallel European application, hereinafter the German '063 reference. As this reference was newly discovered by the Applicant and timely submitted in an Information Disclosure Statement before a final office action, the Applicant respectfully requests consideration of this reference in view of the following remarks.

The Applicant has amended claims 12 to include the subject matter of claim 13 which includes both the features of the seal 22 and the bearings 28 being located in an area of reduced diameter relative to the receiving area of the sun gear shaft. To the contrary, as the German '063 reference discloses the bearing 15 axially adjacent the receiving area, and having a diameter larger than the diameter of the receiving area of the sun gear shaft 12, the Applicant does not believe that this reference either anticipates or renders obvious claim 12 including the recited feature, ".....at least one bearing (28) for the sun gear shaft (4), whose inner ring is axially spaced from the receiving area (16) for the output shaft of the electromotor on a second axial section of the sun gear shaft (4) having a smaller outer diameter than the receiving area (16)". Therefore, the Applicant believes the presently amended claim 12 to be allowable in view of both the cited references as well as the newly uncovered German '063 reference.

Claim 15 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Friedrich '550 in view of Fritsch '547. As claims 15, 17 and 18 rejected for obviousness are dependent upon independent claim 12 which is now believed to be allowable in view of the above amendments and argument, these claims are believed allowable as well and thus no further discussion is provided.

The Applicant thanks the Examiner for indicating that claims 16, 19 and 20 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all the limitations of the base claim and any intervening claims. In view of the above remarks and amendments to the pending claims, the Applicant believes these claims are currently dependent on allowable claims as discussed above.

Claims 17 and 18 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Friedrich '550 in view of Bayer '813 and Friedrich '550 in view of Gotman '473 respectively. The Applicant acknowledges the raised obviousness rejection but as these claims are dependent either directly or indirectly on claim 12 which is now believed allowable in view of the above remark, the Applicant believes these claims to be allowable as well.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of Friedrich '550 or the German '063 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.



The Applicant respectfully requests that any outstanding objection(s) or requirement(s),

as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,

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